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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY RAYMOND ROMERO,

Defendant and Appellant.

2d Crim. No. B217075
(Super. Ct. No. F412496)
(San Luis Obispo County)

Gregory Raymond Romero appeals from the judgment entered after he pleaded no contest to second degree robbery (Pen. Code, § 211)¹ and waived jury trial on seven prior conviction enhancements. The trial court found that appellant had suffered three prior strike convictions within the meaning of the Three Strikes Law (§§ 667, subds. (d)–(e); 1170.12, subds. (b)–(c)), three serious felony convictions within the meaning of section 667, subdivision (a), and a prior prison term within the meaning of section 667.5, subdivision (b).

In exchange for his plea, a felony count for sale of a controlled substance was dismissed (Health & Saf. Code, § 11379, subd. (a)), subject to a *Harvey* waiver

¹ All statutory references are to the Penal Code unless otherwise stated.

(*People v. Harvey* (1979) 25 Cal.3d 754) in which appellant agreed the dismissed charge could be considered in determining his sentence. The trial court denied a *Romero* motion (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497) to strike the prior serious felony convictions and sentenced appellant to 40 years to life state prison.²

Pursuant to the negotiated plea, appellant agreed the trial court could find a factual basis for the plea based on the preliminary hearing transcript which reflects the following: On December 31, 2007 appellant walked into a San Luis Obispo Rabobank and told the teller, "You have 30 seconds to put the money that you have in this bag or I will pull out a gun and blow your head off." Appellant fled from the bank with \$8,348.69 that included marked bills.

On January 4, 2008, the Fresno Police stopped appellant in his pickup truck. Appellant had a roll of cash totaling \$3,496 which included a marked bill from the bank robbery, and a jar containing 62 bindles of methamphetamine weighing 26.1 grams. Appellant waived his *Miranda* rights (*Miranda v. Arizona* (1996) 384 U.S. 436), admitted robbing Rabobank on December 31, and said that he had more than an ounce of methamphetamine that he had broken up into smaller quantities to sell.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised. On December 22, 2009, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. We received no response.

We have reviewed the entire record and are satisfied that appellant's

² The trial court struck the prior prison term enhancement (§ 667.5, subd. (b)) and imposed a Three Strikes indeterminate term of 25 years to life on the robbery count (§ § 667, subd. (e); 1170.12, subd. (c)), plus 15 years on the three serious felony enhancements (§ 667, subd. (a)) .

attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441; *People v. Kelly* (2006) 40 Cal.4th 106, 125-126.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Martin J. Tangeman, Judge
Superior Court County of San Luis Obispo

David Andreasen, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Respondent.